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February 10, 2020

Planning Department  
Resort Municipality of Whistler  
4324 Blackcomb Way  
Whistler, BC V8E 0X5

To Whom It May Concern:

**Re: Zoning Bylaw Text Amendment Application (updated) – 8200 Bear Paw Trail (Lot 9)**

On behalf of Ronmor Developers Ltd. (Ronmor), Brook Pooni Associates is submitting the enclosed Zoning Bylaw Text Amendment application for the property at 8200 Bear Paw Trail (Lot 9).

As you are aware, Ronmor has experienced difficulty leasing out commercial space on the site since the development's initial construction and occupancy. Current regulations are hindering the ability of businesses to locate in the area and limiting residents' access to everyday services within a walkable distance of their homes.

We are encouraged by the draft Official Community Plan which received third reading on July 23, 2019 and look forward to having this application considered under this context.

**Proposed Changes**

On behalf of Ronmor, we propose the following changes to the site's CD-1 zone to improve the viability of retail at this location and improve the services offered to residents of Rainbow Plaza:

- Section 2 (l):

Remove

"Office, limited to 100 square metres of floor area in the CD1 Zone which must be in use or available for use as a health practitioner's office"

Add the following permitted uses:

**Office, limited to 200 square metres of floor area in the CD1 Zone**  
**Retail; and**  
**Personal Service**

- Add the following as Section 9, under Density:

Excluding the grocery store, the remaining commercial floor area of Lot 9 must be demised into at least 3 Commercial Retail Units (CRUs), the combined area of which must be at least 300 square metres.

### **Rationale and Project benefits**

The current regulations limit the range of goods and services accessible to residents of the local Rainbow Plaza community, which impacts the vibrancy of the community overall. If implemented, the proposed changes would allow professional offices, personal services, and retail uses to serve the Rainbow Plaza community, would still permit health practitioners without requiring this use, and would enable flexible uses to meet market demand.

Brook Pooni Associates understands that the RMOW wishes to provide for a fine grain of services in the commercial plaza and to prevent any one tenant from occupying the entire plaza. The proposed changes outlined above would limit the size of individual businesses, and are for the most part minor in nature. The proposed changes would address Ronmor's objective of increasing flexibility, while addressing the RMOW's desire to maintain a range of smaller CRUs.

Brook Pooni understands that RMOW has previously requested a minimum of four retail units (excluding the grocery store). The plaza currently has the following tenants on site:

- Grocery store
- Liquor store
- Dentist
- Coffee shop
- Vacant space

Existing provisions, such as the maximum of 400 sq m for any single occupancy, and the proposed requirement for at least 3 CRUs, would limit any one tenant from occupying too much space in the plaza and would provide for a fine grain of businesses.

The proposal would have no negative impacts on the surrounding community and require no exterior modifications or changes in height and built density. Bringing the vacant space on site into use would contribute to increased economic development in Whistler, and greater employment opportunities for the local population.

Bringing new goods and/or services to the Rainbow Plaza population would contribute to greater community vitality, reduced vehicular trip generation, and greater public amenity. Having more viable shops and services open throughout the day will enhance community safety and security.

### **Policy Background**

#### **Current Official Community Plan (OCP) (1993)**

The site is adjacent to an area designated "Existing Service Commercial and Industrial" by Schedule D of the current OCP. No other land use designation is identified in the current OCP.

The OCP provides direction for commercial uses outside the central precincts where the commercial use is intended to meet the needs of the immediate area.

Ronmor's proposal seeks to provide services for the local Rainbow Plaza community. Past potential tenants that would have aligned with the proposed new zoning included a physiotherapist's office, for

example, which would have met the intent of the OCP to provide services to meet the needs of the local community. This use was not permitted because of the existing zoning's limit on office space to 100 square metres.

### *Greenhouse Gas Emissions targets*

Whistler has set ambitious greenhouse gas reduction targets in its OCP (33% by 2020, 90% by 2060). Meeting these goals will be supported by providing a broader range of services in Rainbow Plaza, which is otherwise car-dependent and separated from the goods and services in the Whistler Village. The proposed changes will allow more residents to walk to meet their daily needs.

### *Development Permit Area 24*

The proposal would have no impacts on the conditions of DPA24, including protection of the natural environment, protection of development from hazardous conditions, and form and character considerations.

### *The OCP and Zoning Context*

The current OCP identifies that in areas outside of Whistler Village, Blackcomb, and Whistler Creek precincts, limited commercial development for local convenience commercial uses could be permitted. Uses identified in the Local Convenience (LC) zones include office, personal services, restaurant, and retail. The uses proposed for Rainbow Plaza would align with these uses.

Similarly, the Nester's Square development (zoned CL4) includes a grocery store, restaurants, barber shop, insurance broker, cell phone store, pet supply store, bank, liquor store, and grocery store. Similar uses would be appropriate to meet the day-to-day needs of Rainbow Plaza residents.

### **Whistler 2020 (2005)**

Whistler 2020 identifies a range of sustainability strategies that address themes such as the built environment, economy, health and social sustainability, and transportation.

The proposed text amendment would allow for better economic viability at Rainbow Plaza without impacting the vibrancy of Whistler Village, would support local employment, improve the ability of local residents to meet their day-to-day needs, and help to address Whistler 2020's goal of prioritizing pedestrian transportation by reducing car dependency for residents of Rainbow Plaza.

### **Draft OCP (Third Reading) (July 23, 2019)**

The draft OCP seeks to, among other important goals, protect the land, support a high quality of life in balance with a prosperous tourism economy, and support innovation and renewal.

The proposal supports better land use patterns, reduced car dependence, and improved quality of life for those who call Whistler home. The proposed changes are unlikely to affect the viability of the more boutique, tourist-oriented services in Whistler Village; however, the opportunity to provide a broader range of goods and services in Rainbow Plaza would provide closer access to potential medical, financial, or retail services.

Rainbow Plaza is designated Convenience Commercial by the draft OCP. This is defined as follows:

“Lands designated for neighbourhood-oriented convenience commercial development at a scale with uses that meet the day-to-day convenience oriented goods and services needs of the neighbourhood. Uses include retail, restaurant, office, and personal service functions. Convenience commercial centres at Nesters Square and Rainbow are scaled for an expanded market area beyond the immediate neighbourhood.”

Under current demising of the CRUs at Rainbow Plaza, there would be four CRUs and a grocery store, which aligns with conditions proposed by the site under previous negotiations with RMOW. In this application, Ronmor proposes a requirement for at least three CRUs (plus the grocery store) to ensure flexibility in the event of unit turnover in the future. Allowing three units will ensure a finer grain is required (the three units could not be consolidated into one large store) but also recognizes in some cases a larger use may be required to serve the expanded market contemplated for the site under the draft OCP.

Key draft OCP policies and objectives supporting the proposal include:

- *Policy 4.1.2.11: Optimize the use and function of existing and approved development. Support flexibility, diversity, adaptability and efficiency in land use and development, so the resort community can derive the greatest benefit from existing development and minimize the conversion of natural areas to development.*
- *Objective 4.1.4.1: Provide an adequate amount and variety of land uses and development in appropriate locations to meet the diverse needs of the community and the resort.*
- *Policy 4.1.4.6: Integrate compatible land uses where appropriate to enhance community livability and walkability.*
- *Policy 5.6.8.2: Recognize Nesters Square and Rainbow as locations for expanded convenience commercial developments scaled to serve a larger market area beyond the immediate neighbourhood.*
- *Policy 6.6.2.1: Support and encourage community-based businesses that enhance Whistler's character and authenticity.*
- *Policy 6.7.1.1: Support repurposing, reusing and optimizing built space instead of constructing new buildings.*
- *Policy 8.11.1.5: Support the private sector in providing general family medicine through a variety of mechanisms [...].*
- *Policy 8.11.1.6: Encourage the private sector in providing a full range of specialized health and wellness services, including sports medicine and injury recovery, that complement the public health care system.*
- *Objective 10.2.1: Treat land use as a primary determinant of transportation-based energy use.*
- *Policy 10.2.2.1: Use every reasonable opportunity to further the use of preferred modes of transportation.*

- *Policy 11.2.1.4: Strive to include commercial services when planning residential developments to increase walkability and reduce the need to travel by automobile.*

Based on Brook Pooni's review of the draft OCP, policy direction is closely aligned with the proposed text amendment and the rationale outlined above. The proposal does not impact any regulations under the applicable Development Permit Areas identified under the proposed OCP.

Thank you for your consideration of the proposed Zoning Bylaw amendments outlined above. We look forward to meeting with RMOW staff to discuss these proposals further.

Sincerely,

BROOK POONI ASSOCIATES

A handwritten signature in black ink, appearing to read "Dan Watson", is positioned above the printed name.

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January 7, 2021

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**RE: 8200 Bear Paw Trail (Lot 9) Zoning Bylaw Amendment – Child Care Facility**

Dear Mr. Sloan,

Further to our rezoning submission of February 10, 2020 (see Attachment 1), Ronmor has identified the exciting opportunity to locate a Child Care Facility at Rainbow Plaza, which is located at 8200 Bear Paw Trail Parcel Lot 9 (site), in Whistler, BC.

Ronmor is seeking to provide child care in Unit 109, which is currently vacant. The proposed operator is named Whistler Kids (the operator). Ronmor is also exploring the potential to expand the childcare in the future to include unit 110, located immediately to the east, and currently occupied by a coffee shop.

Child Care is listed as a permitted use for the site under the CD1 zone; however, this use is restricted to Parcel Lot 7 (indicated in Schedule "M" of the Zoning Bylaw). As the subject parcel is Lot 9, a Zoning Bylaw amendment would be required to permit a Child Care use at this site.

To enable the current childcare proposal and the potential expansion, Pooni Group is requesting two revisions to the draft zoning bylaw amendment shared by the RMOW on September 14, 2020 (see attachment B). These requested revisions are:

1. To include childcare use as a permitted use at this location; and
2. To remove the requirement for at least 85 sq m GFA for a Café, Restaurant, or Neighbourhood Public House should a childcare facility be in operation on the site.

This letter provides background on the proposed Child Care Facility and a rationale to include Child Care as a permitted use at the site. A site photo illustrating the location of the proposed Child Care Facility is included in **Figure 1**.

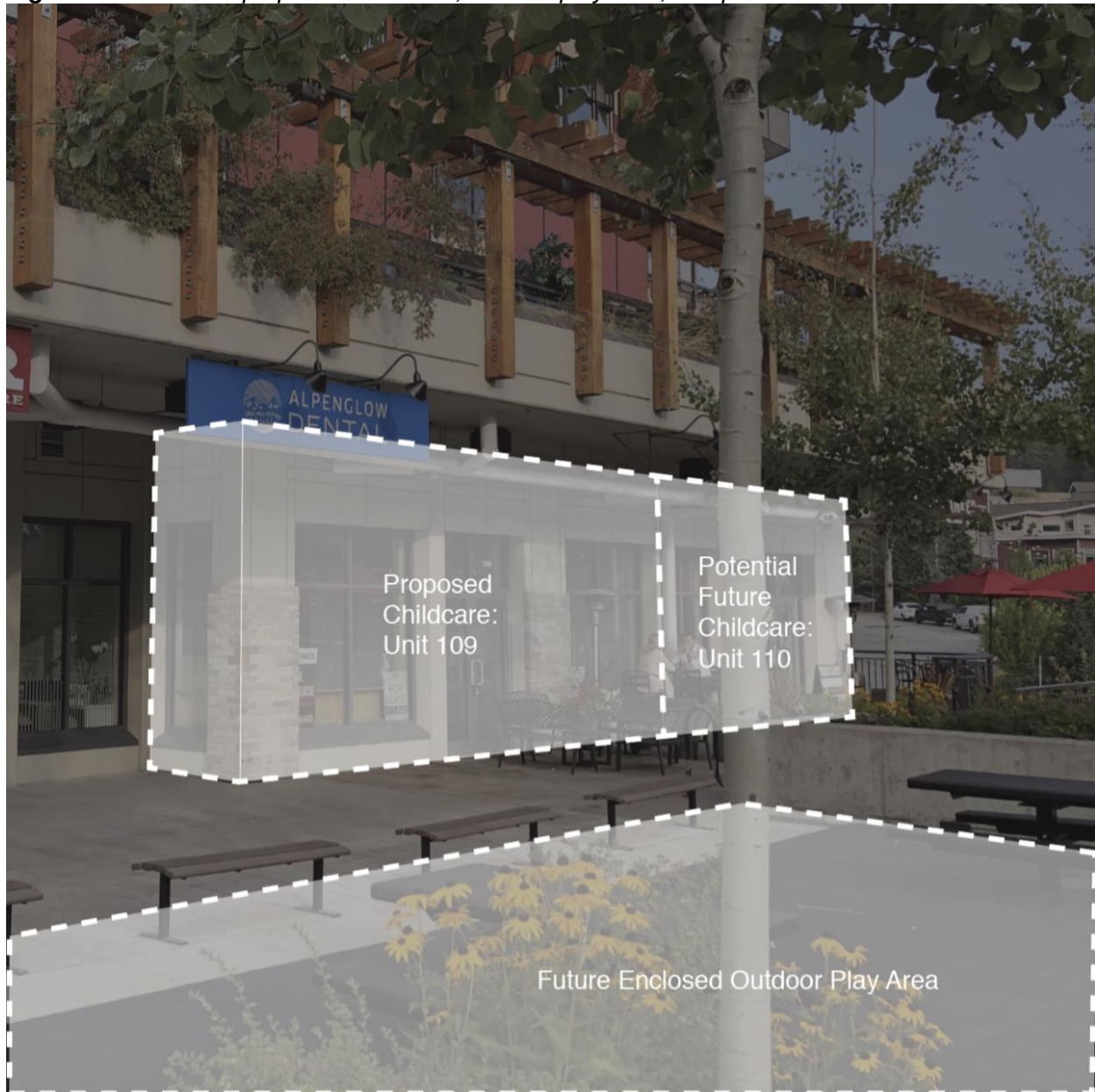


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**Figure 1.** Location of proposed child care, outdoor play area, and potential future child care.





### **Proposed Childcare Statistics and Provincial Regulations**

Ronmor is proposing to locate a childcare tenant in Unit 109, which is currently vacant. The total unit area is 1,838 sq ft (170.82 sq m) and the net occupied area is 1,668 sq ft (154.9 sq m). The proposed operator, Whistler Kids, has provided a partial site plan (**Attachment 3**) and proposed floorplan (**Attachment 4**). Site and occupancy statistics are summarized in **Table 1** below.

**Table 1: Infant/Toddler and Childcare Area Calculations**

	Total Area	Open Area	Min. Space per Child	Max. Children	Staff Required	Total Occupant Load
Infant/Toddler Area	653 sq ft (60.6 sq m)	460 sq ft (44.6 sq m)	3.7 sq m	12	3 (1 per 4 children)	15
Childcare Area	734 sq ft (68.1 sq m)	480 sq ft (44.6 sq m)	3.7 sq m	12	2 (1 per 8 children)	14
<b>Total Infant/Toddler / Childcare</b>	<b>1,667 sq ft (154.9 sq m)</b>			<b>24</b>	<b>5</b>	<b>29</b>

British Columbia's Child Care Licensing Regulation requires at least 6 sq m (65 sq ft) of outdoor play area per child. If the licensee provides more than one type of program, the space may be used on a rotation schedule, provided it is adequate for the largest group. The proposed outdoor fenced-in play area is 1,001 sq ft (92.9 sq m), which allows for 6.2 sq m of outdoor space for 15 children. Using a rotation schedule, this meets the provincial requirements for the two groups of children. A draft schedule outlining the shared use has been provided by the operator and is attached in **Attachment 5**.

### **Potential Childcare Expansion**

Given the high demand for childcare services in the area, Ronmor wishes to explore the potential to expand the footprint of the childcare space into Unit 110, which is located immediately to the east of the proposed childcare space in Unit 109. As this expansion is not proposed at the present time, a floorplan has not been prepared; however, the suitability of the space can be predicted based on the following assumptions:

- Unit 110 is 87.4 sq m;
- Open area is anticipated to be in the range of approximately 65% of the total unit area, which would yield an open area of about 56.8 sq m;
- 3.7 sq m open area is required per child; therefore,
- The space could accommodate approximately 15 children.

The outdoor play area can accommodate a maximum of 15 children at any given time, and the children in Unit 110 could be scheduled into the available timeslots in the draft playground schedule outlined in **Attachment 5**.

Unit 110 is currently occupied by a coffee shop. The proposed bylaw amendments as drafted by the RMOW (see Attachment 2) include the following requirement in Section 9:





“Excluding the grocery store, the remaining commercial floor area of Lot 9 must be demised into at least 3 Commercial Retail Units (CRUs), the combined area of which must be at least 450 square metres, and with a minimum of 85 square metres Gross Floor Area in use or available for use as a Café, Restaurant, or Neighbourhood Public House.”

A childcare use serves a highly desirable public function as outlined under “Policy Context” below, Pooni Group suggest that the requirement for a Café, Restaurant, or Neighbourhood Public House be removed from the draft bylaw to enable greater flexibility in providing childcare at this location.

**An alternative suggestion would be to amend the language to include childcare as one of the required use options (i.e. “available for use as a Child Care Facility, Café, Restaurant, or Neighbourhood Public House”). This would retain the general requirement for at least one “active/vibrant” retail use (such as a café, restaurant, or pub) as a default, while allowing flexibility to replace this with a use of potentially greater social benefit—expanded childcare—should the opportunity present itself.**

### **Policy Context**

The proposal to allow a Child Care Facility at the site is supported by the RMOW Official Community Plan (OCP); specifically, by Section 8.9, as follows:

#### **Section 8.9 - Support a variety of childcare opportunities for Whistler's children.**

- **8.9.1.1** - Encourage the availability of licenced childcare facilities, including facilities providing infant care; and
- **8.9.1.5** - Encourage new development and redevelopment to provide appropriately scaled space that may be leased at affordable rates to licenced childcare operators.

The proposal is further supported by the Whistler2020 Comprehensive Sustainability Plan. This plan addresses climate change and prioritizes sustainability, indicating that a key responsibility of the RMOW is to ensure that the built environment is vibrant and contributes to individual health and wellbeing. The Built Environment Strategy focuses on developing and renewing buildings, neighbourhoods and facilities that contribute to a more unique, liveable, and sustainable resort community. The creation of new Child Care Facilities will support the RMOW's objectives for supporting the families that live, work and play in Whistler while encouraging opportunities for future growth.

### **Parking & Loading Considerations**

Parking requirements for Child Care are not specified in the Zoning and Parking Bylaw. Pooni Group has assumed a requirement of 4 stalls per 100 sq m Gross Floor Area, in accordance with the requirements for similar uses such as retail. In the CD1 zone, parking requirements apply as if the uses were in the CC1 zone, per the Parking and Loading requirements of the CD1 zone. **Pooni Group has calculated that 79 parking stalls are required for the site, regardless of whether childcare or a retail use is in located in Unit 109 and/or 110. The site currently features 80 parking spaces; therefore, parking requirements would be met under the proposed new use.**



Currently the site features one loading bay for the grocery store as well as two loading spaces in front of the liquor store. Pooni Group has calculated a requirement of two loading spaces for the site, leaving a surplus of one space. There is no change to the anticipated loading requirement with or without the childcare use. A breakdown of parking and loading calculations is provided in **Table 2**, below.

**Table 2. Parking and Loading Requirements**

Use	Area (sq m)	Parking Ratio	Parking Requirement	Loading Ratio	Loading Requirement
Grocery	1415.2	4 spaces per 100 sq m GFA*	56.6	1 space per 1,400 sq m GFA	1.01
Liquor	120.5	4 spaces per 100 sq m GFA*	4.82	1 space per 1,400 sq m GFA	0.086
Dentist	159.28	4 spaces per 100 sq m GFA	6.37	1 space per 3,000 sq m GFA	0.053
Childcare (proposed)	170	4 spaces per 100 sq m GFA**	6.8	1 space per 1,400 sq m GFA**	0.12
Café or future childcare	87.4	4 spaces per 100 sq m GFA*	3.5	1 space per 1,400 sq m GFA**	0.062
<b>Total Requirements</b>	<b>1,952</b>	<b>4 spaces per 100 sq m GFA</b>	<b>78.1 (round up to 79)</b>		<b>1.33 (round up 2)</b>
<b>Total existing count</b>	<b>1,952</b>		<b>80 stalls</b>		<b>3</b>
<b>Surplus</b>			<b>1 stall</b>		<b>1 space</b>

\*In the CD1 zone, applicable parking requirements apply as if the uses were in the CC1 zone, per CD1 zone Section 15 Off-Street Parking and Loading requirements.

\*\*Parking requirements for Child Care are not listed in the Bylaw. Retail requirements have been applied.

### **Attachments**

1. Revised Rezoning Submission (February 10, 2020)
2. RMOW Proposed Zoning Bylaw Amendments (September 14, 2020)
3. Partial Site Plan
4. Floor Plan (Unit 109)
5. Playground Sharing Plan